United States Department of Agriculture

Forest Service

May 2015

Record of Decision

Teckla-Osage-Rapid City 230 kV Transmission Line Project

Douglas Ranger District

Medicine Bow-Routt National Forests and Thunder Basin National Grassland

6th Principal Meridian

Campbell County, Wyoming

Part of Section 3, T41N R71W

Part of Section 34, T42N R71W

Part of Section 19, T43N R71W

Part of Section 24, T43N R72W

Part of Sections 3-6, T44N R69W

Part of Section 1, T44N R70W

6th Principal Meridian, Campbell County, WY

COMMONLY USED ACRONYMS AND ABBREVIATIONS

BHNF - Black Hills National Forest

BHP - Black Hills Power

BLM - Bureau of Land Management

BMP - Best Management Practices

CEQ - Council on Environmental Quality

CF - Cubic Feet

CFR - Code of Federal Regulations

DEIS - Draft Environmental Impact Statement

EIS - Environmental Impact Statement

EPA - Environmental Protection Agency

FEIS - Final Environmental Impact Statement

FLPMA – Federal Land and Policy Management Act

FS - Forest Service

ID - Team Interdisciplinary Team

MA - Management Area

MBRTBNG - Medicine Bow-Routt National Forests and Thunder Basin National Grassland

NEPA - National Environmental Policy Act

NFS - National Forest System

OHV – Off-Highway Vehicle

RMP - Resource Management Plan

ROD - Record of Decision

ROW - Right of way

S&G - Standard(s) and Guideline(s)

SHPO - State Historic Preservation Officer

SD - South Dakota

SOLC - Species of Local Concern

T&E - Threatened and Endangered

TBNG - Thunder Basin National Grassland

T-O-RC - Teckla-Osage-Rapid City Transmission Project

USDA - United States Department of Agriculture

USFWS - United States Fish and Wildlife Service

WY - Wyoming

Contents

1. Introduction

Black Hills Power (BHP) has indicated the need for a special use permit to construct and operate a 230kV transmission line crossing the Thunder Basin National Grassland (TBNG). The high voltage line on the TBNG is part of a larger transmission line project that would connect the Teckla Substation in Campbell County, Wyoming to the Osage Substation in Weston County, Wyoming and the Lange Substation located in Pennington County near Rapid City, South Dakota. This larger project is the Teckla-Osage-Rapid City 230 kV Transmission Line Project (T-O-RC Project).

The Proposed Action is to authorize BHP to construct, install and operate a roughly 144 mile 230kV transmission line crossing private lands, National Forest System (NFS) lands in Wyoming and South Dakota, Bureau of Land Management (BLM) lands in Wyoming, and state lands in Wyoming. This transmission line would cross 4.7 miles on the TBNG. The T-O-RC Project would be constructed mainly of wood or steel H-frame transmission structures, with the possibility of some tubular steel self-supporting towers in the Rapid City area. The transmission structures would have an average height of 65 to 75 feet and would have a span length of approximately 800 to 900 feet between structures. The right-of-way (ROW) for the line would be approximately 100 feet wide (i.e., 50 feet on either side of the center line) and access along the ROW would be provided by existing improved roads, existing roads that require improvement, and new roads as necessary. All merchantable trees to be removed from the ROW would need to be cruised and paid for prior to removal. In addition, during construction of the transmission line, there would be temporary pulling and tensioning sites, decking yards, and construction/material staging sites along and near the ROW.

The purpose of the T-O-RC Project is to strengthen the regional transmission network, improve the reliability of the transmission system, and to provide additional transmission capacity to help meet the growing demand for electricity and development in the region.

This Record of Decision covers only that portion of the proposed line that crosses NFS lands managed by the TBNG; BLM and Black Hills National Forest (BHNF) officials will issue decisions on this project for their respective lands. None of these officials will make decisions that apply to non-Federal lands.

1.1 Location

The Proposed Action begins at the existing Teckla Substation, approximately 55 miles north of Douglas, Wyoming, and travels west approximately three miles along an existing transmission line route, then north approximately 19 miles. Here it would turn east and follow county road and section lines before turning northeast approximately six miles. The route would then angle east to parallel a three-phase electrical distribution line before heading straight east along section lines to Wyoming State Highway 116 where it would parallel highway ROW north

approximately seven miles. At this point, the route would generally travel east on section lines to the existing Osage substation. From the Osage substation, the proposed powerline travels east and north into South Dakota, using approximately 47 miles of currently unused transmission line ROW, to the existing Pactola substation. The currently unused BHP ROW has a cleared width of 40 to 50 feet, which would be widened to 100 feet. From the Pactola substation, the route would continue east approximately five and one-half miles and then travel north and east approximately 10 miles to terminate at the Lange substation in Rapid City, South Dakota.

The T-O-RC Project is approximately 144 miles long and crosses private lands, NFS lands, BLM lands (in Wyoming), and state lands (in Wyoming). The NFS lands crossed by the proposed Project are managed by the BHNF in South Dakota and the TBNG in Wyoming. Specifically, the 4.7 mile segment of the Proposed Action on the TBNG would require approximately 57 acres of ROW as shown in Chapter 2, Figure 2-4 of the Final Environmental Impact Statement (FEIS).

1.2 Purpose and Need

The purpose and need provides the basis for development of the Proposed Action and any alternatives generated. The purpose and need provides fundamental rationale for the T-O-RC Project and it provides guidance to the ID team during the environmental analysis of the Project. The purpose of this federal action is to respond to BHP's ROW application for use of federally managed lands for the construction, maintenance and use of a 230kv transmission line pursuant to the Federal Land Policy and Management Act (FLPMA), 43 United States Code [U.S.C.] § 1701 *et seq.*

The United States Forest Service (USFS) identified a *need* to authorize BHP for construction, installation and operation of a 230kV transmission line to:

- Strengthen the regional transmission network
- Improve the reliability of the transmission system
- Provide additional transmission capacity to help meet the growing demand for electricity and development in the region.

1.3 Public Involvement and Collaboration

The T-O-RC Project was entered into the USFS's Schedule of Proposed Actions (SOPA) in April 2011. The SOPA contains a list of USFS Proposed Actions that will soon begin or are undergoing environmental analysis and documentation. It provides information so the public can become aware of and indicate interest in specific proposals. See www.fs.fed.us/sopa/ for more information.

A news release was sent to media outlets on August 25, 2011, announcing the T-O-RC Project, requesting comments on the proposal, and noting the time and place for public meetings. Publications of news releases in the Rapid City Journal and Newcastle News Letter Journal occurred on September 1, 2011 and in the Hill City Prevailer News on August 31, 2011.

The Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on August 26, 2011. This provided official notification that the public comment period for the T-O-RC Project would conclude on October 28, 2011. The NOI requested public comment on the proposal and included the date and place of the scheduled public meetings. During the scoping period, 104 individuals, groups, or agencies submitted comment letters.

A scoping notification letter was also mailed in the fall of 2011 to over 3,000 interested parties, including property owners near the proposed project and other interested stakeholders. The scoping letter briefly explained the T-O-RC Project, the National Environmental Policy Act (NEPA) process, and announced the scoping period and public meetings. Included with the scoping notification letter was a project overview map and comment form.

During the public scoping period and throughout the project development and analysis period, a collaborative effort was made to involve and interact with individuals and groups interested in the T-O-RC Project. The USFS hosted public information and scoping meetings in Wyoming and South Dakota to gather public comment and provide NEPA process and proposed T-O-RC Project information. The Wyoming public scoping meeting was held on September 13, 2011 at the Hell Canyon Ranger District office in Newcastle, Wyoming and was designed as an open house. The South Dakota meeting was held on September 20, 2011 at the Mystic Ranger District office in Rapid City, South Dakota and consisted of an open house along with a presentation.

Agencies consulted with included the South Dakota Department of Game, Fish and Parks, Wyoming Game and Fish Department, South Dakota State Historic Preservation Officer, Wyoming State Historic Preservation Officer, Advisory Council for Historic Preservation, Wyoming State Forestry, Wyoming Department of Transportation, South Dakota Department of Transportation, Weston and Campbell Counties in Wyoming, and Pennington County in South Dakota. A concerted effort was made to engage in consultation regarding the T-O-RC Project with Tribal contacts known to have interest in management of the TBNG, BHNF, and BLM-administered lands.

A corrected Notice of Intent (NOI) was issued December 24, 2013. The corrected NOI updated the timing information for the Draft and Final EISs, and clarified the mailing address for comments. It also explained the project analysis was now being conducted under the authority of the Forest Service's pre-decisional objection regulations at 36 CFR 218, rather than the obsolete appeal regulation at 36 CFR 215.

*For more detailed information on the scoping and public involvement process conducted for this project, refer to the Teckla-Osage-Rapid City 230 kV Transmission Line Project FEIS, Appendix A.

1.3.1 DEIS and Summary of Public Comments

The Draft Environmental Impact Statement (DEIS) was issued for public review and comment in late December 2013. The Notice of Availability (NOA) was posted in the Federal Register on December 27, 2013. Legal notice of the DEIS was published in the Laramie Boomerang on January 4, 2014, and that legal notice was posted on the Forest's website the following week.

1.3.2 Further Comment Periods

Several comments on the DEIS suggested several additional route modifications on three segments of the proposed line route across the BHNF. The Forest Service recognized that some landowners and residents in those areas had not had a chance to review these additional modifications. The Forest Service provided an informal comment period to area residents in April 2014 to better evaluate the suggestions. Comments submitted are located Appendix A of the FEIS. Based on the comments submitted at that time, the Forest Service adopted modifications for the South Dakota portion of the T-O-RC Project. These included the Deerfield Lake and Sun Ridge Road areas of the line, and dismissed a modification suggested in the Big Bend area along Highway 44. The Forest Service then provided a second formal comment period beginning on June 27 and running until July 16, 2014 to gather comment on the new modifications in the Deerfield Lake and Sun Ridge Road areas. Notice of this comment period was provided to the entire project mailing list. Comments submitted, and responses to those comments, are located in the project record.

1.3.3 Summary of Changes to the Final EIS Based on Comments

Several changes were made to the EIS based on public comments and Tribal consultation. These included:

- in response to concerns expressed for higher ignition risk from high-voltage powerline and fire damage to adjacent private lands, further discussion was added in the Fire/Fuels section;
- in response to concerns expressed for effects to property values and visual effects of the line on near and adjacent private property, and visual effects of the line on an American Indian religious site, three route modifications were added for the BHNF portion of the line.

2. Project Summary

An overview of the issues and alternatives is presented below to give the reader a better understanding of the context of the decision in this document. A more detailed description can be found in Chapters 1 and 2 of the FEIS.

2.1 Issues

This section provides a summary of issues identified during the public and internal scoping period for the T-O-RC Project. Comments received during scoping were used to help define issues, develop alternatives and mitigation measures, and analyze effects. A total of 104 separate comments were received via letters, faxes, public meetings, personal-delivery, or email during the formal scoping process. The comments expressed various issues and concerns associated with the Project and some were supportive of the overall project.

Issues were separated into two groups: key and non-key issues. Significant issues were defined as those directly or indirectly caused by implementing the Proposed Action. Non-key issues were identified as those: 1) outside the scope of the Proposed Action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Sec. 1501.7, "…identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)…"

A list of non-key issues and reasons regarding their categorization as non-key is contained in the Project file located at the Mystic Ranger District office in Rapid City, South Dakota and at the Douglas Ranger District Office in Douglas, Wyoming.

A brief description of the key issues is as follows:

1. Effects of the Proposal on Wildlife including Sensitive Species such as Greater Sage-Grouse, goshawks, and other raptors

Many respondents were concerned with wildlife habitat removal or fragmentation. Some of these concerns were specifically focused on sensitive species such as Greater Sage-grouse or goshawk. There were also concerns for raptor collisions with powerlines with the suggestion that construction should be in accordance with raptor-safe design criteria. The indicator selected to measure effects of the alternatives to wildlife was the determination of effects made in the Biological Assessment and Biological Evaluation (BA/BE).

2. Effects of the Proposal on Wetlands and Vegetation Communities

Scoping comments received indicate that there is internal and external support for revegetation/reclamation of disturbed areas. In addition, one suggestion was to avoid spanning large wetlands and to not place transmission towers between wetlands. The indicator selected to

measure effects of the alternatives to wetlands and vegetation communities was acres of wetland filled or vegetation removed.

3. Effects of the Proposal on Scenic Integrity, Visual Resources and a Nearby American Indian Religious Site

Many respondents commented on their support to maintain scenic integrity and limit changes to visual resources and views. Suggestions included minimizing the ROW, using taller towers and running the powerline over the trees. The indicators selected to measure effects of the alternatives to scenic integrity, visual resources and a nearby American Indian religious site were effects on Scenic Integrity Objectives (SIOs) for the BHNF and TBNG, Visual Resource Management (VRM) objectives for the NFS lands, and visibility from a nearby American Indian religious site.

4. Effects of the Proposal on Private Property including Property Values and Electricity Rates

Some commenters are concerned their property values might decrease with a transmission line nearby. Many comments also suggested locating the transmission line on public versus private lands. Other commenters questioned whether the proposed transmission line would lead to an increase in electricity rates. The indicator selected to measure effects of the alternatives on private property was proximity of the line route to residential dwellings, specifically, the number of residences within 150 feet of line routes.

5. Effects of the Proposal on Existing and Future All-Terrain Vehicle (ATV), Off-Highway Vehicle (OHV), and Snowmobile Trails

Comments and feedback during scoping indicate there is support for not closing existing ATV/OHV/snowmobile trails. There was also support for the transmission line ROW to be available as an ATV trail. One suggestion was to coordinate transmission line construction timelines with the Black Hills snowmobile season. The indicator selected to measure effects of the alternatives on existing and future ATV, OHV and snowmobile trails was the miles of trails closed and miles of trails kept open.

6. Effects of the Proposal on Tree Removal

Many respondents supported minimizing the amount of tree clearing. Generally the emphasis of these comments was to leave the maximum amount of trees, especially large conifers intact and to avoid clear-cutting. One commenter noted that enough Black Hills timber has been lost to fire/beetles and more timber should not be lost to power lines. The indicator selected to measure effects of the alternatives on tree removal was the number of acres of tree clearing needed.

7. Effects of the Proposal on Health resulting from Electromagnetic Fields (EMF)

Concerns include the health effects associated with EMF associated with the line. The indicator selected to measure the effects of the alternatives on health with respect to EMF was proximity to residential dwellings, specifically, the number of residences within 500 feet of the line route. Each of these issues is addressed within this EIS analysis. Effects to each issue are discussed in terms of the selected indicators. Effects are also disclosed to a number of other related and unrelated resources.

2.2 Alternatives Considered

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all potential alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). In developing the proposal, a number of routing options were considered, data was collected, major ground features were evaluated, and agencies and landowners were consulted to identify ways to minimize issues and effects related to implementing the ROW and power line. The process used in identifying and evaluating alternatives while developing the T-O-RC Project is documented in the Teckla-Osage-Rapid City 230kV Transmission Line Routing Report (January, 2011), incorporated here by reference (see administrative record (AR)).

Additional potential alternatives to the Proposed Action were considered to address issues and concerns expressed during the scoping period and alternative alignments previously studied by BHP. Many scoping comments were supportive of the proposed action, but some had recommendations to consider alternative actions as part of the NEPA analysis. Some of the comments recommended actions that were outside the scope of the purpose and need, some were actions that could be incorporated into design and mitigation measures included in the proposed action, or determined to be components that would cause unnecessary environmental harm. Two potential alternative routes were identified and considered by the ID Team (the Northern and Southern Alternatives) and were eliminated from detailed study. Other potential alternatives were also identified during scoping. Alternatives considered but not in in this section can be found in FEIS Section *5.0 Alternatives Considered but Eliminated from Detailed Study*.

The following provides an overview of alternatives that were considered. Route distances have been rounded and are therefore described as approximate.

2.2.1 Alternative 1-No Action

NEPA and USFS policies require the study of a No Action Alternative (Alternative 1) to provide a baseline for comparing the effects of the Proposed Action and other alternatives (40 CFR 1502.14(d) and Forest Service Handbook 1909.15.1). The No Action Alternative assumes that no implementation of any elements of the Proposed Action (no authorization of ROWs and no construction of the transmission line) would occur in the Project area within the next 10 to 15 years. This alternative does not actively respond to the purpose and need for action or address the issues, concerns, or comments identified during scoping for this Project.

2.2.2 Alternative 2-Proposed Action

The Proposed Action was developed as a response to the purpose and need for action and it represents the USFS Proposed Action. The USFS developed and released the proposal for public review and comment in August 2011.

The Proposed Action is a single-circuit 230 kV transmission line that begins at the existing Teckla substation, approximately 55 miles north of Douglas, Wyoming in Campbell County,

Wyoming and travels west approximately three miles along an existing transmission line route, then north approximately 19 miles. Here it turns east and follows county road and section lines before turning northeast for approximately six miles. The route then angles east to parallel an existing three phase electrical distribution line before heading straight east along section lines to Wyoming State Highway 116 where it would parallel highway ROW north for approximately seven miles. At this point, the route would generally travel east on section lines to the existing Osage substation located in Weston County, Wyoming about 13 miles northwest of Newcastle. From the Osage substation, the Proposed Action travels east and north into Pennington County, South Dakota, using approximately 47 miles of currently unused transmission line ROW to the Pactola substation west of Rapid City. The currently unused ROW has a cleared width of approximately 40 to 50 feet, which would be widened to 100 feet to accommodate the needed ROW for the new transmission line. From the Pactola substation area, the route continues east paralleling an existing transmission line for approximately five and one-half miles, and then travels north and east approximately ten miles to terminate at the Lange substation in Rapid City, South Dakota.

Table 2-2 - Land Ownership / Jurisdiction Crossed by Proposed Action

Ownership/Jurisdiction	**Approximate Mileage**
Black Hills National Forest	36.3 miles
Thunder Basin National Grassland	4.7 miles
Bureau of Land Management	2.6 miles
State of Wyoming	10.3 miles
Privately Owned Lands	90 miles

The Proposed Action would be approximately 144 miles long. For planning purposes, existing environmental conditions were described within a project analysis area centered on the proposed route for the transmission line. The width of this project analysis area varies from one mile to six miles depending on the resource and the geographic extent where direct and indirect impacts to that resource could occur. The project analysis area width is designed to ensure that impacts are analyzed within an appropriate distance from the proposed transmission line and to allow the flexibility to make relatively minor route adjustments for the proposed transmission line ROW to respond to resource concerns and issues that may be identified along the proposed route. A 100-foot ROW width for the proposed transmission line route was used to develop the analysis of impacts that would result from the construction and operation of the new transmission line.

2.2.3 Alternative 3-Proposed Action with Modifications (Preferred Alternative)

Alternative 3 is defined as the Proposed Action with modifications to the proposed route in specific locations to respond to issues identified during scoping. The transmission line

specifications, construction methods, and operations and maintenance procedures would be the same as those described above for the Proposed Action.

The FEIS considered a total of 10 route modifications in six distinct locations as part of this alternative. These modifications, and the issues to which they responded, are described further in Chapter 2 of the FEIS. One of the route modifications lies in Wyoming, on lands managed by the TBNG. The remaining five locations were in South Dakota, on lands managed by the BHF. The locations of all proposed modifications, taken from west to east, are as follows:

Modification 3a - The Fiddler Modification is approximately 7.5 miles south of Upton and nine miles west of Osage, Wyoming. It would be approximately one mile north of the proposed route for a distance of about five miles and was developed to avoid the Upton Fairview and Jessee Greater Sage-grouse Leks. This responds to issue number 1.

The following route modifications lie in South Dakota and are not within the scope of my decision:

Modification 3b - The Mountain View Modification is south of Deerfield Road between Williams Draw Road and Gillette Prairie Road in South Dakota. It would be approximately 500 feet north of the proposed route for a distance of about one mile and was developed to avoid existing residences. This responds to issues 4 and 7.

Modification 3c - The Clinton Modification is north of McVey and Deerfield Roads and east of Slate Prairie Road in South Dakota. It would be approximately 1,000 feet north of the proposed route for about one mile and was developed to avoid existing residences. This responds to issues 4 and 7.

Modification 3d - The Edelweiss Modification is located north of Edelweiss Mountain Road and west of U.S. Route 385 in South Dakota. It would be about 1,000 feet north of the proposed route for less than one mile and was developed to avoid a sensitive wildlife area. This responds to issue number 1.

Modification 3e - The Pactola Modification is east of U.S. Route 385 near the Pactola Reservoir in South Dakota. It would be about 1,500 feet south of the proposed route and would require clearing for the new ROW for approximately one-half mile. This Modification was developed to move the transmission line farther from the Pactola Reservoir, a visually sensitive area identified in the Forest Plan. This responds to issue number 3.

Modification 3f – The Pactola South Modification is also east of U.S. Route 385 near the Pactola Reservoir in South Dakota. It was also developed to avoid the Pactola Reservoir area. It would be located about one mile south of the proposed route and would follow approximately two miles of previously cleared ROW. This responds to issue number 3.

Modification 3g - The Hidden Valley Modification is approximately four miles west of Rapid City, South Dakota. It would be approximately 2,500 feet south of the proposed route for about one and one-half mile and was developed to avoid planned future quarry operations. This responds to issue number 4.

The EIS considered three additional modifications – 3h, 3i, and 3j – for the Black Hills portion of the line. These are outside the scope of my decision and will not be discussed further here.

The locations of these Modifications are shown in more detail in **Figures 2-5** through **2-10 of the FEIS**.

3. Decision and Rationale

It must be clearly understood that, as a Forest Service official, my decision authority is limited to actions on NFS lands. I have no authority to determine where the transmission line route might cross private, state and other non-Federal lands. Any routing of the transmission line across those lands is subject to negotiations between Black Hills Power, as the proponent, and the respective landowners. Thus, those portions of the routes shown in this EIS and accompanying documents which cross non-Federal lands are subject to change pursuant to agreements between those parties. I am aware that BHP continues to negotiate with private landowners for access across private lands. Changes to transmission line entry points onto NFS lands, and line routing, which result from those discussions, may be made on NFS lands within the one-mile buffer zone subject first to survey, analysis and approval by the Forest Service.

3.1 My Decision

This Record of Decision documents my decision and rationale with respect to the Teckla-Osage-Rapid City 230 kV Transmission Line Project alternatives as presented in the Teckla-Osage-Rapid City 230 kV Transmission Line FEIS. The FEIS was prepared by the USFS, the lead agency, with the BLM, cooperating agency, in compliance with the National Environmental Policy Act (NEPA), and other relevant federal and state laws and regulations. **My decision covers only that portion of the proposed line that crosses NFS lands managed by the TBNG.** BLM and BHNF officials will issue decisions on this project for their respective lands. None of these officials will make decisions on non-Federal lands.

The Teckla-Osage-Rapid City 230 kV Transmission Line Project purpose and need provides the focus and scope for the Proposed Action and alternatives as related to Forest and national level policy and direction (FEIS, Chapter 1). Given this purpose and need, I have reviewed the Proposed Action (Alternative 2), the issues identified during the public scoping, the alternatives, and the environmental consequences of implementing the Proposed Action and alternatives disclosed in the FEIS. Furthermore, I have carefully considered public comments received on the Draft EIS. These comments were invaluable to me in weighing management options. Public

feedback, the analysis disclosed in the FEIS, information contained in the project record, management direction and policy considerations contributed collectively to determining the selected action. Based on this review**, I have decided to implement "Alternative 3- Proposed Action with Route Modifications" as the Selected Action**. My decision incorporates components analyzed and described in FEIS Alternatives 2 and 3, and are within the range of effects disclosed in the FEIS. The Selected Action includes the following activities.

This decision approves activities as described in the description of Alternative 3 in the FEIS, with modifications as further described below. Based on this decision, a special use permit will be issued specifically authorizing the occupancy and use of NFS lands to construct, operate and maintain a 230 kilovolt transmission line in the locations described. The right-of-way across NFS lands would be 100 feet in width.

The transmission line will cross three management area designations within the TBNG as described in the TBNG Land and Resource Management Plan (USFS 2001). These are: 5.12 General Forest & Rangelands Range Vegetation Emphasis for 3.2 miles, 6.1 Rangeland with Broad Resource Emphasis for 1.0 miles, and 8.4 Mineral Production & Development for 0.5 miles. This action complies with these management area designations.

Three main types of structures would be used for the transmission line. The most common type would consist of wood H-frame structures placed approximately 800-900 feet apart (average ruling span), with a nominal pole height above ground of approximately 65-75 feet. In some areas where guyed wood H-frames would not work due to obstructions or steep terrain, where water and canyon crossings require a longer span length and/or areas where the transmission line changes direction resulting in a greater angle, the transmission line could be supported by steel H-frame structures. For areas where narrow ROW requires that permanent land disturbance and overall land required be minimized, tubular steel single pole structures may be used. Tubular steel single poles would typically have a nominal pole height above ground of approximately 80-90 feet.

The conductor system would consist of three electrical phases, with a single conductor for each phase. Minimum conductor height above the ground would be approximately 23 feet, based on NESC and BHP's standards. Greater clearances may be required in areas accessible to vehicles or near buildings. Minimum conductor clearance would dictate the exact height of each structure based on topography and safety clearance requirements. Minimum conductor clearances in some instances may be greater based on specific NESC requirements (e.g., minimum clearance above a roadway, trees in forested areas or above farm equipment in agricultural areas).

Either fiber optic ground wire cable (OPGW) for substation-to-substation communication or a 3/8-inch steel static wire for lightning protection would be installed near the top of each structure.

Work sites would be reclaimed using: excess material, approved native vegetation and seed mixtures, and topsoil stockpiled for that purpose. The contractor would remove and dispose of excess soil materials, rock, and other objectionable materials that cannot be used in reclamation work in an approved location.

Disturbed areas, with the exception of existing access roads, would be restored, as nearly as possible, to their original contour and reseeded with landowner/ agency approved native seed mixtures where appropriate. Ripping and other surface scarification on existing construction roads or other areas would be done as necessary.

The transmission line specifications, construction methods, and operations and maintenance procedures would be the same as those described above for the Proposed Action. Please refer to Appendix B of the FEIS, Design Standards.

One modification for the project would occur in Wyoming, Modification 3a, as described above. This modification does not occur on federal lands and would not affect the alignment on any of these lands. The modification was developed to address issues brought up during the scoping process. Table 3-1 (ROD p. 23) summarizes the key issues that are addressed with modification 3a.

It is expected that implementation of this project would take approximately one year.

3.1.1 Design Criteria and Monitoring

My decision includes the following conditions which are applicable only to federal lands within the scope of my authority:

- All existing roads would be left in a condition equal to or better than their condition prior to the construction of the transmission line
- Fences and gates would be installed, or repaired and replaced to their original condition, as required by the land management agency or landowner if they are damaged or destroyed. Temporary gates would be installed only with the permission of the land management agency or landowner and would be restored to their original condition following construction.
- BHP would train field personnel in spill prevention, control, and countermeasure procedures, and use totally enclosed containers to dispose of hazardous and non-hazardous waste. Hazardous materials would not be drained onto the ground or into streams or drainage areas. Additionally, BHP would ensure that hazardous and non-hazardous wastes are transported to facilities that are authorized to accept such wastes. Furthermore, should a hazardous material spill occur, all contaminated soil would be removed and disposed of properly.

- Project construction activities would be coordinated with livestock permittees. Fences would be kept closed during construction if cattle are in the pasture.
- Impacts to range improvement structures (i.e., gates, fences, spring developments, stock ponds, pipelines) would be avoided.
- Prior to construction, a noxious weed, reclamation, and revegetation plan would be completed in consultation with the agencies to minimize the effects of noxious weeds and ground disturbance due to Proposed Action activities. The plan would address any required cleaning of construction vehicles, weed treatment protocols, and anything else to remain compliant with all involved agencies.
- Only herbicides approved by the USFS would be used. To protect avian endangered and threatened species, organochlorine pesticides would not be used as chemical agents.
- All waste products and food garbage from construction sites would be deposited in a covered waste receptacle, or removed daily. Garbage would be hauled to a suitable disposal facility.
- No holes or pits will be left open overnight or when the site is not manned to prevent inadvertently trapping or injuring wildlife.
- The transmission line would be constructed according to Avian Power Line Interaction Committee (APLIC 2006, 2012) standards to eliminate the risk of electrocution to raptors and other large birds.
- No construction activities shall take place within two miles of a known active Greater Sage-grouse lek between March 1 and June 30.
- No project-related infrastructure will be placed within a quarter mile of a known Greater Sage-grouse lek on TBNG.
- Compensatory mitigation will be applied to lands on TBNG identified as high suitability Greater Sage-grouse habitat. Funds from compensatory mitigation will go towards ongoing habitat enhancement efforts for Greater Sage-grouse, such as cheatgrass eradication programs and conifer encroachment reduction.
- Prior to construction, active raptor nests would be identified within the analysis area. Timing and disturbance buffers would be maintained around the identified nests as identified in the TBNG LRMP for construction-related activities.
- All construction areas will be a minimum of 100 feet from wetlands.
- The discovery of any and all antiquities or other objects of historic or scientific interest including, but not limited to, historic or prehistoric ruins, or artifacts as the result of operations under this plan shall immediately be brought to the attention of the Forest Supervisor. The permittee shall cease operations until authorized to proceed by the Forest Supervisor.
- The discovery of any and all fossils or artifacts as the result of operations associated with the proposed project shall immediately be brought to the attention of the Forest

Supervisor. The permittee shall cease operations until authorized to proceed by the Forest Supervisor.

In order to better implement these measures the following plans will be developed and used during implementation:

- Noxious weed, revegetation and reclamation plan (referenced in the FEIS at pgs. B-4, 9, 11-13, 19 (Wyoming), 20, 24, 29-30, 34 and 36)
- Construction plan (pg. B-7)
- Avian and bat protection plan (pgs. B-15, 22)
- Fire protection plan (pg. B-31)
- Logging plan (pg. B-31)
- Cultural resources mitigation plan and associated monitoring plan (pg. B-36)
- Paleontological resources monitoring plan (pgs. B-37-38)
- Worker training plan (pg. B-38)
- Paleontological resource data recovery plan (pg. B-38)

*For a complete list of all design criteria, mitigation measures, and monitoring required for this project, refer to the Teckla-Osage-Rapid City 230 kV Transmission Line Project FEIS Appendix B, Design Standards, which is incorporated by reference as part of this decision.

3.2 Rationale for My Decision

Alternative 3, Proposed Action with Modifications, is my Selected Action and Preferred Alternative because it best meets the purpose and need for action, as determined by management direction and conditions on the ground; it also responds well to the issues and public comments.

3.2.1 Meets Purpose and Need

Both Alternatives 2 and 3 would meet the purpose and need for the project. Alternative 1, No Action, would not meet the purpose and need.

3.2.2 Environmental Issues

3.2.2.1 Land Use/Land Management

The USFS manages the TBNG per its 2001 Revised LRMP, which includes management direction for TBNG's six geographic areas. The two-mile-wide Analysis Area includes three of these six areas – Fairview Clareton, Hilight Bill, and Upton Osage. The Selected Action conforms to the Standards and Guidelines specified in the 2001 Revised LRMP.

The TBNG has designated management areas that designate the management emphasis for specific areas. **Table 3-1** below identifies the management areas crossed by the proposed project.

The general policies for each area are described below. There are many existing USFS authorizations for power lines, pipelines, railroad ROW, and roads throughout these management areas. The Selected Action conforms to plan direction for each area.

TABLE 3-1
MANAGEMENT AREA DESIGNATIONS IN THE TBNG CROSSED BY THE PROJECT

MANAGEMENT AREA	MILES
5.12 General Forest and Rangelands Range Vegetation Emphasis	3.0
6.1 Rangeland with Broad Resource Emphasis	1.0
8.4 Mineral Production and Development	0.5
Total NFS	4.5

The Selected Action would utilize an existing unused 40-50 foot wide cleared transmission line ROW on NFS lands between the Pactola and Osage substations. In Wyoming, this existing ROW covers approximately 17.5 miles of private and federal lands.

The 100-foot wide ROW would cover approximately 89 acres of federal land in Wyoming. The 4.7 mile segment of the Proposed Action on the TBNG would require approximately 57 acres of ROW. The 2.6 mile segment on BLM land would require approximately 32 acres. The T-O-RC Project would be consistent with the TBNG Plan guidelines found in Chapter 1, Section P. Special Uses, and p. 1-29.

3.2.2.2 Key Resource Issues

Issue #1: Effects of the Proposal on Wildlife, including Sensitive Species such as Greater Sage-grouse, goshawks, and other raptors

Greater Sage-Grouse

The effects determination for the Greater Sage-Grouse, as an MIS, is "*May impact individuals, but is not likely to cause a trend in federal listing or loss of viability in the planning area."* This determination is based on the addition of onsite and offsite mitigation listed below and in **Appendix B of the FEIS**. By participating in offsite compensatory mitigation, as well as onsite mitigation such as avoidance of habitat, negative impacts of the Selected Action should be offset by the positive impacts from the mitigation. Mitigation measures such as seasonal avoidance of leks, modified structures with perch discouragers, bird flight diverters, a noxious and invasive weed management plan would collectively reduce impacts to Greater Sage-Grouse to levels that are not likely to be measurable or determinable at the population level. As mentioned, BHP and USFS have agreed upon compensatory mitigation to reduce potential impacts to Greater Sage-Grouse at off-site locations. Through discussions with USFS, BHP has agreed to complete compensatory mitigation for direct and indirect impacts to approximately 1,920 acres of Greater

Sage-Grouse habitat. This acreage was based on a one-mile buffer extending into NFS administered lands located in Township 44 North, Range 69 West, Sections 4, 5, and 6. These lands are directly adjacent to, but not within, state-designated Greater Sage-Grouse Core Area. Funds from compensatory mitigation will go towards ongoing habitat enhancement efforts for Greater Sage-Grouse, such as cheatgrass eradication programs and conifer encroachment reduction. The specific locations for these off-site mitigation efforts have not yet been determined but will be within the known range of Greater Sage-Grouse on NFS lands. The compensatory mitigation, when considered with routing to avoid Greater Sage-Grouse habitat on NFS lands and additional mitigation measures would ensure that the Selected Action does not affect the overall viability of the species on NFS lands.

TBNG Forest Service Sensitive Species

A detailed analysis of the impacts to sensitive species can be found in the FEIS, Chapter 3, Section 3.2 Wildlife. The Biological Assessment/Biological Evaluation Summary can be found in Appendix E of the FEIS.

The effects determination for all TBNG sensitive species that were analyzed, except fishes, is "may adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing". The effects determination for sensitive fish species that were analyzed is "No impact."

Goshawks and other Raptors

The portion of the project that traverses TBNG lands does not include Goshawk or its habitat. There are other raptor species present and with habitat in the area such as Ferruginous Hawks, Peregrine Hawk, and Bald Eagle. The determination as a result of BA/BE was that implementation of the Selected Action on the TBNG "*May adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing."*

TBNG Management Indicator Species

Black-tailed Prairie Dog

Implementation of the Selected Action would avoid the one known occupied Black-tailed Prairie Dog (BTPD colony in the wildlife analysis area and thereby avoid direct impacts to individual BTPDs and this colony. The Selected Action would be unlikely to affect the current population trends of BTPD on TBNG and will not impact BTPD habitat condition and trends. . Implementation would alter or remove some unoccupied habitats that may be suitable for this species, though habitat within the ROW of the Selected Action would still allow BTPD to colonize the ROW post-construction.. Indirect effects that could arise from increased avian

predation and changes in the fire regime caused by the establishment and spread of noxious weeds would be relatively low and further reduced by implementing effective mitigation measures. Population trends of BTPD across TBNG will not be impacted by the Selected Action and BTPD populations will remain viable after the Selected Action is implemented.

Issue #2: Effects of the Proposal on Wetlands and Vegetation Communities

The Selected Action ROW would cross just over nine acres of wetlands for its entire length in Wyoming, including public and private lands. There are no wetlands associated with the other Selected Action features such as access roads. The majority of wetlands are located on private lands (just over eight acres), with 0 acres on NFS lands, less than one acre on BLM lands, and less than one acre on state lands.

Under the Proposed Action, Forest Service watershed conservation practices, national best management practices (BMPs), and project design criteria would reduce impacts to surface water and water quality to negligible levels. A Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented utilizing standard engineering practices and BMPs to minimize or prevent significant sediment from leaving construction sites (Sec. 3.5.2.2). Under the selected alternative the same measures would be employed.

Additional information can be found in the FEIS, Chapter 3, 3.5 Water Resources

Issue #3: Effects of the Proposal on Scenic Integrity, Visual Resources, and a Nearby American Indian Religious Site

.The T-O-RC Project is compatible with the Low SIOs of the 4.7 miles of TBNG managed areas and with the VRM Class III objectives of the Newcastle and Buffalo Field Offices managed areas. Weston and Campbell Counties do not have regulations pertaining to aesthetics and electrical transmission lines. Additional information can be found in the FEIS, Chapter 3, 3.7 Visual Resources.

There were no Traditional Cultural Properties (TCPs) identified during the records search within the analysis area, although there is one archaeological site that has been described as possibly ceremonial within the Wyoming segment of the Proposed Action. If the site is continually used ceremonially to maintain the identity of the tribe or group then it may be considered a TCP by the Native American tribe or group. Tribal consultation will continue as the proponent fulfills stipulations in the PA.

Issue #4, Effects on Private Property including Property Values and Electricity Rates

Ten residences are located within 1,000 feet of the proposed transmission line and one residence is located within 150 feet. There is no change in the proximity to residences between Alternatives 2 or 3. This issue influenced modifications developed for the BHNF portion of the line.

Issue #5, Effects on Existing and Future ATV, OHV and snowmobile trails

The Proposed Action would not cross OHV and hiking trails on the TBNG. This issue is specific to the BHNF.

Issue #6, Effects on Tree Removal

In Wyoming, there would be a total of approximately four to seven acres of tree clearing on federal lands. This issue pertains more to the BHNF than the TBNG; the effects of clearing 4 – 7 acres of trees on the TBNF are minor in scope.

Issue #7 – Effects on Health Resulting from EMF

In Wyoming, 10 dwellings are located within 1,000 feet of the proposed transmission line. There was no change in proximity to dwellings between the Proposed Action and the selected alternative on the TBNG. In response to this issue, the BHNF developed modifications to reduce the proximity to dwellings for the Selected Action from 102 to 90.

Table 2-1 summarizes key issues associated with this project and provides a comparison of the effects of the issues on each of the alternative:

Table 3-1 Effects to Key Issues by Alternative				
		Alternatives		
Key Issue	**Indicators**	**No Action (1)**	**Proposed Action (2)**	**Proposed Action with Modifications (3)**
Effects of the Proposal on Wildlife including Sensitive Species such as Greater Sage-Grouse, goshawks, and other raptors	Determination of effect made in the Biological Assessment and Biological Evaluation	No Impact	BA: Greater Sage grouse "Not likely to jeopardize" BE: "May adversely impact individuals but not likely to result in a loss of viability on TBNG nor lead to Federal listing" for 21 species and "no impact for 5 species"	Alternative 3 and the included 3a route modification would have fewer impacts on the greater sage-grouse and its habitats, than under implementation of Alternative 2, which does not include this modification.
Effects of the Proposal on Wetlands and Vegetation Communities	Acres of wetland filled or vegetation removed	No Impact	0 wetlands filled 1,294 acres vegetation removed: 138 in WY	Route Modification 3a would cross five acres of wetlands in the ROW in

				comparison to less than one acre of wetlands in the ROW for the comparable section of the Proposed Action. All of the wetlands in this area are on private lands. The impacts to vegetation resulting from Route Modification 3a would be the same as the Proposed Action.
Effects of the Proposal on Scenic Integrity, and Visual Resources, and a Nearby American Indian Religious Site	Effects of the alternatives on Scenic Integrity Objectives (SIOs) for the TBNG , Visual Resource Management (VRM) objectives and a nearby American Indian religious site	No Impact	WY: 3.6 miles of low SIO, and 2.8 miles of VRM Class III areas managed by the Newcastle and Buffalo BLM Field Offices	Effects are the same as Proposed Action. Route modifications in South Dakota reduced the effects of the project on these resources.
Effects of the Proposal on Private Property including Property Values and Electricity Rates	Proximity to residential dwellings, specifically, the number of residences within 150 feet of line routes	No Impact	15 within 150 ft. either side of transmission line: 1 in WY	Using Modification 3a to avoid a greater sage-grouse lek would have the same land use and management impacts to private land as the Proposed Action.
Effects of the Proposal on Existing and Future All-	Miles of trails closed and miles of trails kept open.	No Impact	WY: No trails crossed	Effects are the same as the Proposed Action.

Terrain Vehicle (ATV), Off-Highway Vehicle (OHV), and Snowmobile Trails				
Effects of the Proposal on Tree Removal	Number of acres of tree clearing needed	No Impact	The Proposed Action would not be located on TBNG or BLM managed lands and would have no identified impacts to timber and silviculture.	Route Modification 3a (Fiddler) would have no additional identified impacts to timber and silviculture; a total of 4 – 7 acres of trees would be cleared along the ROW
Effects of the Proposal on Health resulting from Electromagnetic Fields (EMF)	Proximity to residential dwellings, specifically, the number of residences within 500 feet of the line route.	No Impact	112 residences within 500 ft either side of transmission line: 102 in SD; 10 in WY	Effects are the same as the Proposed Action.

3.2.3 Environmental Documents and Other Sources Considered in Making this Decision

3.2.4 Use of Best Science

The record show that extensive literature citations have been reviewed and considered by resource specialists in preparation of the EIS, as evidenced by the literature cited sections in the specialists reports.

4.0 Alternatives Considered in Detailed Study and Reason for Not Selecting Them

4.1 Alternative 1-No Action

NEPA and USFS policies require the study of a No Action Alternative (Alternative 1) to provide a baseline for comparing the effects of the Proposed Action and other alternatives (40 CFR 1502.14(d) and Forest Service Handbook 1909.14.1). The No Action Alternative assumes that no implementation of any elements of the Proposed Action (no authorization of ROWs and no construction of the transmission line) would occur in the Project area within the next 10 to 15 years. This alternative does not actively respond to the purpose and need for action or address the issues, concerns, or comments identified during scoping for this Project.

4.2 Alternative 2-Proposed Action

The Proposed Action is to authorize BHP to construct, install and operate a 230kV transmission line. This transmission line would cross 4.7 miles on Thunder Basin National Grassland (TBNG). A more detailed description can be found in section *2.0 Alternatives Considered* and Chapter 2 of the FEIS. This action was not selected because it did not address issues identified during the EIS process such as proximity to residences, wildlife considerations, and visual resource conflicts.

4.3 – Alternative 3, Proposed Action with Route Modifications

Alternative 3, the selected alternative, is described earlier in this ROD. The modifications incorporated for Alternative 3-Proposed Action with Modifications reduced or eliminated issues identified during scoping.

5.0 Alternatives Considered but Eliminated from Detailed Study

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all potential alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). In developing the proposal, a number of routing options were considered, data was collected, major ground features were evaluated, and agencies and landowners were consulted to identify ways to minimize issues and effects related to implementing the ROW and power line. The process used in identifying and evaluating alternatives while developing the Project is documented in the Teckla-Osage-Rapid City 230kV Transmission Line Routing Report (January, 2011), incorporated here by reference (see administrative record (AR)). Two potential alternative routes were identified and considered by the ID Team (the Northern and Southern Alternatives) and were eliminated from detailed study as described below. Other potential alternatives identified during scoping are also described below.

Additional potential alternatives to the Proposed Action were considered to address issues and concerns expressed during the scoping period and alternative alignments previously studied by BHP. Many scoping comments were supportive of the Proposed Action, but some had recommendations to consider alternative actions as part of the NEPA analysis. Some of the comments recommended actions that were outside the scope of the purpose and need, some were actions that could be incorporated into design and mitigation measures included in the Proposed Action, or determined to be components that would cause unnecessary environmental harm. The following provides an overview of alternatives that were considered, but eliminated from detailed study. Route distances have been rounded and are therefore described as approximate.

5.0 Alternatives Analyzed through Pre-NEPA Feasibility Analysis

Prior to initiating the NEPA process, the proponent considered the feasibility of a number of routing options. During this process data was collected, major ground features were evaluated, and agencies and landowners were consulted to identify ways to minimize issues and effects related to constructing and maintaining a transmission line along several routes. The process used in identifying and evaluating feasible options while developing the Project is documented in the Teckla-Osage-Rapid City 230kV Transmission Line Routing Report (January, 2011), incorporated here by reference (see administrative record (AR)). Two potential alternative routes were identified and considered by the proponent and analysis team (the Northern and Southern Alternatives) and were eliminated from detailed study as described below.

5.1 Northern Alternative

This alternative was considered by the ID Team as a northerly alternative to the original proposed route and was referred to as "Alternative A" in early public outreach efforts prior to initiation of the NEPA process. This alternative would be approximately 143 miles long and generally located north of the Proposed Action. From the Teckla substation, this route is the same as the Proposed Action traveling west approximately three miles along an existing transmission line, then north approximately 19 miles. Here it angles northeast for approximately 15 miles. The route then travels east and follows county road and section lines approximately 57 miles to Wyoming State Highway 16 where it parallels highway ROW south three miles to the Osage substation. From Osage substation, the route travels northeast paralleling an existing transmission line ROW for 26 miles. At this point, the route continues in an easterly direction south of the Pennington County line to the Lange Substation.

The Northern Alternative was eliminated from detailed study because as compared with the Proposed Action it:

- Crossed approximately 15 more acres of Greater Sage-Grouse habitat;

- Followed no currently unused transmission line ROW (compared with 47 miles of currently unused transmission ROW followed by the Proposed Action); and
- Had 12 fewer miles of existing access roads available so more new access would have been required.

5.2 Southern Alternative

This alternative was considered by the ID Team as a southerly alternative to the original Proposed Route and was referred to as "Alternative C" in early public outreach efforts prior to initiation of the NEPA process. This alternative is 157 miles long and is generally located south of the Proposed Action. From the Teckla substation, this route is the same as the Proposed Action traveling west approximately three miles along an existing transmission line, then north 19 miles. Here it angles northeast for 15 miles. The route then travels east and follows county road and section lines for approximately 57 miles to Wyoming State Highway 16 where it parallels the highway ROW south for three miles to the Osage substation. From the Osage substation, the route travels northeast paralleling an existing transmission line ROW for 26 miles. At this point, the route continues in an easterly direction south of the Pennington County line to the Lange Substation.

The Southern Alternative was eliminated from detailed study because as compared with the Proposed Action it:

- Was approximately 13 miles longer;
- Crossed 14 more acres of Greater Sage-Grouse habitat;
- Crossed seven more miles of mining operations;
- Crossed 68 more forested acres;
- Followed no currently unused transmission line ROW (compared with 47 miles of currently unused transmission ROW followed by the Proposed Action); and
- Had 15 fewer miles of existing access roads available.

5.2 Alternative Following Existing Highways

An alternative that would follow major highway ROWs was suggested by members of the public during the scoping process. This alternative would be approximately 190 miles long and from the Teckla Substation would follow Wyoming Highway 59 for approximately 49 miles north to I-90 at Gillette. It would then follow I-90 east for approximately 141 miles to Rapid City.

This alternative was eliminated from detailed study because as compared with the Proposed Action it:

- Is approximately 46 miles longer and therefore would result in greater environmental impacts and would be more costly to construct;
- Would have greater surface disturbance impacts due to the increased route length;

- Would require a longer construction period resulting in greater air quality emissions and potential disruptions to the transportation network; and
- Would add to existing visual impacts along the highways, as it would be more visible to motorists on the highways followed by the transmission line.

5.3 Straight-Line Alternative Between Teckla and Osage

This alternative was suggested by the public during the scoping process. This routing option would proceed diagonally in a straight line approximately 58 miles from the Teckla substation to the Osage substation across the TBNG and private property.

This alternative was not considered for detailed study because as compared with the Proposed Action it:

- Does not take into account other existing uses (such as ranching, recreation, and mining) along this route;
- Would affect a greater amount of Greater Sage-Grouse habitat and other sensitive resources such as cultural resources, goshawks and other raptors because it does not actively avoid sensitive areas and does not follow existing roads or transmission line ROWs; and
- Would cross a greater amount of undisturbed lands because it does not follow existing roads or transmission line ROWs.

5.4 Alternative Following Existing Transmission Lines

This alternative was suggested by members of the public during the scoping process to follow existing transmission line ROWs.

This alternative was eliminated from detailed study because as compared with the Proposed Action it:

- Would not meet the purpose and need of the Project: By placing multiple transmission lines in the same corridor, the needed system reliability objectives, including the industry standard separation criteria from existing high-voltage transmission lines would not be realized because the possibility of failure of both lines is increased by being collocated.;
- Would not meet a part of the Project's purpose and need for increasing system reliability;
- Would be much longer and therefore would have greater surface disturbance; and
- Would require a longer construction period resulting in greater air emissions.

6.0 The Environmentally Preferred Alternative(s)

The environmentally preferable alternative is the alternative that "will best promote the national environmental policy as expressed in NEPA's section 101 (42 U.S.C. 4321). Ordinarily, the environmentally preferable alternative is that which causes the least harm to the biological and

physical environment; it also is the alternative which best protects and preserves historic, cultural, and natural resources" (36 CFR 220.3). For this Project, the environmentally preferable alternative is the No Action Alternative. As described earlier, the No Action Alternative analyzed in the EIS is the predicted result of the denial of the Applicants' request for authorization. Under the No Action Alternative, the Project would not be constructed on federal lands. No Project-related impacts to vegetation, soils, wildlife species, and other resources would occur.

For the reasons detailed above for this decision, I did not select the environmentally preferable alternative; however, the Selected Alternative has been designed to avoid and minimize environmental impacts wherever possible, including through required mitigation and monitoring, while still allowing the Project to be constructed and operated to meet the Applicants' purpose and need.

7.0 Findings Required by Laws and Regulations

The Thunder Basin National Grassland (TBNG) programmatic management direction document is the Revised TBNG Land and Resource Management Plan (Grassland Plan) for which the Record of Decision is dated July 31, 2001. The Grassland Plan was completed in accordance with applicable laws as identified above, and provides guidance for all resource management activities on the TBNG. It establishes management goals, objectives, standards, and guidelines as well as the availability and suitability of lands for resource management activities. The Grassland Plan can be amended if needed by project level decisions provided the effects of any amendments are evaluated and disclosed in an environmental assessment (EA) or EIS prepared for the project or proposal. This project conforms to the Grassland Plan and incorporates all applicable direction, including all standards and guidelines.

The USFS operates in compliance with other State and Federal regulatory agencies. Laws and executive orders pertaining to project-specific planning and environmental analysis of Federal lands including:

- National Environmental Policy Act (NEPA) of 1969 (as amended)
- Federal Land Management and Policy Act (FLPMA) of 1976 (as amended)
- National Forest Management Act (NFMA) of 1976 (as amended)
- Multiple-Use Sustained-Yield Act of 1960
- Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended)
- Endangered Species Act (ESA) of 1973 (as amended)
- Clean Water Act of 1977 (as amended)
- Clean Air Act of 1970 (as amended)
- National Historic Preservation Act (NHPA) of 1966 (as amended)
- American Indian Religious Freedom Act of 1978 (as amended)
- Archeological Resource Protection Act of 1979 (as amended)
- Native American Graves Protection and Repatriation Act (as amended)

- Executive Order 11593 (cultural resources)
- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 12898 (environmental justice)
- Executive Order 12962 (aquatic systems and recreational fisheries)
- Executive Order 13007 (Indian Sacred Sites)
- Executive Order 13186 (Migratory Bird Treaty Act)
- Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)
- Wyoming Executive Order 2011-5, Greater Sage-Grouse Core Area Protection
- Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1010-1012).

The following statutory authorities and regulations govern the issuance and administration of special-use authorizations on NFS lands that apply directly to the lands affected by the proposed authorization for the Black Hills Power 230 KV project.

The Project would be consistent with the Wyoming Board of Land Commissioners' rules and regulations for easements granted on state lands. In accordance with Chapter 3, Section 4(b) of the Board's rules and regulations, BHP would, to the maximum extent practicable, purchase easements that follow previously established roads or utility corridors. In accordance with Chapter 3, Section 5(a)(ii), BHP would also restore land to a condition and forage density that is reasonably similar to the land's original condition.

Title V, Federal Land Policy and Management Act of October 21, 1976, (43 U.S.C. 1761-1771). Title V of the Federal Land Policy and Management Act (FLPMA) authorized the Secretary of Agriculture to issue permits, leases, or easements to occupy, use, or traverse NFS lands. FLPMA directs the United States to receive fair market value unless otherwise provided for by statute and provides for reimbursement of administrative costs in addition to the collection of land use fees (43 U.S.C. 1764(g)).

Title 36, Code of Federal Regulations, Part 251, Subpart B. This subpart provides direction for special uses management on NFS lands, including guidance pertaining to the special-use application process; terms and conditions of use; rental fees; fee waivers; termination, revocation, suspension, and modification of existing authorizations; and permit administration.

Title 36, Code of Federal Regulations, Part 251, Subpart C. This subpart provides a process for appeals of decision related to administration of special use authorizations on NFS lands.

Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1010-1012). Title III of this act directs and authorizes the Secretary of Agriculture to develop programs of land conservation and use to protect, improve, develop, and administer the land acquired and to construct structures thereon needed to adapt the land to beneficial use. Under the act, the Department of Agriculture may issue leases, licenses, permits, term permits, or easements for most uses, except rights-of-ways.

National Historic Preservation Act. This decision complies with the provisions of this Act and the American Indian Religious Freedom Act. Native American interests were consulted during this project.

Section 106 of NHPA requires Federal agencies to take into account effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register of Historic Places, and to afford the President's Advisory Council on Historic Preservation an opportunity to comment. To fulfill the mutual responsibilities of the Forest Service and BLM under Section 106 of the NHPA, the Black Hills National Forest has been designated as the lead Federal agency unit. A programmatic agreement (PA) has been executed by the Federal agencies, in consultation with the Advisory Council on Historic Preservation, the Wyoming and South Dakota State Historic Preservation Officers (SHPOs), interested Indian Tribes, and the project proponent. A programmatic agreement (PA) has been developed by the Federal agencies, in consultation with the Advisory Council on Historic Preservation, the Wyoming and South Dakota State Historic Preservation Officers (SHPOs), interested Indian Tribes, and the project proponent. A PA is desirable because the scope of the project encompasses more than one State and because the effects of the project cannot be fully determined prior to signing a Record of Decision. Under terms of the PA, all required surveys and consultation will be completed before ground-disturbing actions can proceed.

Endangered Species Act. Compliance with this Act is addressed in this document. A Biological Assessment for this project has been completed.

National Environmental Policy Act. The documentation for this project fully complies with this Act.

Executive Order 12898 -- This Order provides that, "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations or low-income populations." No adverse effects from Alternative 3 with modifications have been identified on minority or low-income populations. See FEIS, Chapter 3, Section 3.15, "Socioeconomics" for more information.

8.0 Administrative Review

The Teckla-Osage-Rapid City 230 kV Transmission Line Project is subject to the pre-decisional objection process and regulations at 36 CFR 218, Subpart B. The FEIS and draft Record of Decision were made available to the public in December 2014. A legal notice initiating the objection period was published in the Rapid City Journal on December 6, 2014. This notice advised readers that a decision would be made on the project following the objection process. Four formal objections were filed and accepted. The Reviewing Officer convened a team of resources specialists at the Regional Office to review the objections, and the analysis documented in the FEIS and project record. The Reviewing Officer's response to the four

objections was documented in letters to the objectors dated April 2, 2015. The Reviewing Officer determined that the project analysis was sufficient and none of the objections warranted any changes. All requirements imposed by the reviewing officer in response to the objections have been met to allow me to issue my decision on this project.

9.0 Implementation

Implementation of activities under the selected action will occur based on this Record of Decision. Acreages and locations of actions may vary during implementation depending on site specific conditions, as explained in the FEIS and as allowed by this decision. Implementation of the project may begin upon issuance of the special-use permit amendment, and subject to conditions in this decision including completion of surveys and consultation to comply with the National Historic Preservation Act, as noted earlier.

10.0 Contact Person

For additional information concerning this decision, including those concerning the special use permit or project implementation, may be directed to Hillary Shirley, Minerals and Lands Project Manager, phone (307)358-7115, email hillarykshirley@fs.fed.us, at the Douglas Ranger District Office, 2250 E. Richards, Douglas, WY 82635.

___*/s/ Dennis Jaeger*_____ ___*May 18, 2015*_____

Dennis Jaeger
Forest Supervisor
Thunder Basin National Grasslands and
Medicine Bow/Routt National Forest
USDA Forest Service

Date